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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/037,905

11/09/2001

Ricardo L. de Queiroz

D/98485D

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09/07/2004

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EXAMINER

BRINICH, STEPHEN M

ART UNIT

PAPER NUMBER

2624

DATE MAILED: 09/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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EXAMINER

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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Application Number: 10/037,905
Filing Date: November 09, 2001
Appellant(s): L. DE QUEIROZ, RICARDO

MAILED

SEP 07 2004

Technology Center 2600

Mark Z. Dudley
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 6/14/04.

Art Unit: 2624

(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

(4) *Status of Amendments After Final*

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) *Summary of Invention*

The summary of invention contained in the brief is correct.

(6) *Issues*

The appellant's statement of the issues in the brief is substantially correct. The changes are as follows:

The outstanding issue is whether claim 25 is unpatentable under 35 USC §102(e) as anticipated by Golin (US Patent No. 5,787,207). The rejection of claim 25 as anticipated by Hintzman et al (US Patent No. 5,818,364) has been withdrawn.

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(7) *Grouping of Claims*

Claim 25 of this patent application is the sole claim at issue in this Appeal.

(8) *Claims Appealed*

The copy of the appealed claim contained in the Appendix to the brief is correct.

(9) *Prior Art of Record*

5787207

GOLIN

7-1998

(10) *Grounds of Rejection*

The following ground(s) of rejection are applicable to the appealed claims:

Claim 25 is rejected under 35 U.S.C. 102(e) as being anticipated by Golin. This rejection is set forth in a prior Office Action, mailed on 3/12/04:

Claim 25 is rejected under 35 U.S.C. 102(e) as being anticipated by Golin.

Re claim 25, Golin discloses (column 1, lines 18-57, particularly lines 38-40; and column 7, lines 28-56, particularly lines 41-46) an image processing method in which blocking artifacts (discontinuities between blocks) indicative of image compression (because they are caused by an image compression process) are detected and an output is

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generated indicating the presence (or absence, as the case may be) of such blocking artifacts indicative of image compression in accordance with the result of this detection.

(11) Response to Argument

Appellant argues (Paper #9: page 5, line 3 - page 6, line 3) that Golin "merely restates the problem noted by Appellant" relating to block discontinuities. In particular, Appellant argues that the side information of Golin (referenced in the paragraphs at column 7, lines 28-56, particularly at lines 41-46) "is generated during encoding, and not in response to a detection of blocking artifacts" [emphasis in original] (page 5, lines 22-23), and concludes that "nor is there such an output provided in response to a detection of blocking artifacts" (page 6, lines 2-3).

However, as noted in the rejection cited under "Grounds of Rejection" supra, Golin describes (column 7, lines 39-46) the "detection of discontinuities" and the generation of an output indicative of discontinuity (specifically, the setting of a bit to "0" if no discontinuity is detected or to "1" if a discontinuity is detected).

This bit output is thus generated "in response to the detection of the blocking artifacts".

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Appellant further argues (Paper #9: page 5, line 31 - page 6, line 3) that Golin "teaches only an output made during encoding that denotes the presence of a discontinuity, and there is no description or suggestion therein of an output indicating image compression".

Golin describes as "Background of the Invention" (column 1, lines 18-20) an image compression implemented by encoding an image in two stages -- the image is "predicted" in the first stage and prediction errors are encoded in the second stage. Golin further describes (column 1, lines 38-42) the problem of "discontinuities" resulting from this prediction process.

Golin discloses the detection of these discontinuities (column 7, lines 28-29 & 38-41), and the production of an output in response to this detection (column 7, lines 41-46).

If the described image compression were not carried out, the described encoding process for implementing the image compression (the image prediction and the prediction error encoding) would not occur. If the image prediction does not occur, there will be no discontinuities resulting from the (non-existent) prediction. Therefore, an image that was not compressed via this encoding would not have any such discontinuities. Conversely, the detection of such a

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discontinuity is possible only if image compression via this encoding has occurred.

Thus, the detection of a discontinuity indicates image compression, and an output indicating such a discontinuity is an output indicating image compression.

For the above reasons, it is believed that the rejections should be sustained.

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Respectfully submitted,

Stephen M Brinich
Examiner
Art Unit 2624

smb *SMB*
August 31, 2004

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